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# The National Environmental Policy Act and NRCS Planning

July 31, 1997

# WHAT IS NEPA?

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- **NEPA is a Policy Statement.**
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- “...it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.” (NEPA, Section 101(a))

# WHAT IS NEPA?

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- **NEPA is a law with “action forcing” provisions requiring Federal decisionmakers to take into account the potential consequences of their decisions on the quality of the human environment.**
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- “...all agencies of the Federal Government shall...utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man’s environment...[and] include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on--
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- (i) the environmental impact of the proposed action;
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) alternatives to the proposed action;
- (iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”
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- (NEPA, Sec. 102(C))
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# WHAT IS IN NEPA FOR NRCS?

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- **The intent of NEPA is to foster better decisionmaking.**
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- “Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” (40 CFR 1500.1(c))

# WHAT IS IN NEPA FOR NRCS?

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- **The intent of NRCS planning, whether on an individual farm or in a larger area such as a watershed, is all about helping individuals and organizations make better, informed decisions concerning resource use and the environment.**
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- “The NRCS planning process is based on a voluntary, flexible, landowner- or community-initiated approach that addresses natural resource concerns while meeting producers' economic and environmental goals.
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- “The planning process integrates social, economic, and ecological considerations to meet private and public needs. It involves more than considering individual resources; it focuses on the natural systems and ecological processes that sustain the resources. Landowners and land users strive to balance the natural resource issues with social and economic needs through the development of conservation management systems.” (1997 NRCS Draft Strategic Plan)

# WHAT IS IN NEPA FOR NRCS?

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- **An opportunity to integrate sustainable development goals.**
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- Both NEPA and the President's Council on Sustainable Development call for:
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- integration of human, environmental, and economic needs
- public participation in decision making
- intergenerational equity
- the recognition of relationships among population growth and density, technology, industry, and other influences on the environment;
- the incorporation of these goals in all federal agency policies
- consistency of policies within agencies; and
- cooperation among agencies, state and local governments, private entities, and the international community
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- **SOUND FAMILIAR?! Each is integral to the NRCS Mission, Vision and Planning Process!**

# WHAT IS IN NEPA FOR NRCS?

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- **An opportunity to assist the White House NEPA reinvention initiative.**
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- The NEPA Effectiveness Study conducted by the White House Council on Environmental Quality (CEQ) noted several areas related to NEPA which could use improvement:
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  - 1. Strategic planning
  - 2. Public information and input
  - 3. Interagency coordination
  - 4. Interdisciplinary place-based approach to decision-making
  - 5. Science-based and flexible management approaches
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- “CEQ is interested in seeing agencies streamline NEPA to make it more efficient, promote the integration of environmental, social, and economic factors, and ensure openness in government--as called for under the Act.” (“A Study of NEPA Effectiveness After Twenty-Five Years”)
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- **NRCS is already doing a number of these well!**

# WHAT IS IN NEPA FOR NRCS?

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- The NRCS mission and vision are synonymous with the policies outlined in NEPA.
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- **The NRCS Mission:** *“Providing national leadership in a partnership effort to help people conserve, improve, and sustain our natural resources and environment.”*
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- **The NRCS Vision:** *“Harmony between people and the land.”*



# WHAT IS IN NEPA FOR NRCS?

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- **How does NRCS Carry Out Its Mission and Vision?**
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- “The Federal-state-local governmental partnership for delivering conservation assistance to farmers and ranchers
- remains a model for intergovernmental cooperation. The model is based on a voluntary approach to conservation,
- on a thorough knowledge of natural resource conditions and trends, and on effective science-based conservation
- technology.”
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- **By planning for and providing financial and technical assistance using locally-led conservation partnerships.**

# APPLICABILITY OF NEPA TO NRCS ACTIVITIES

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- **NEPA compliance is mandated when NRCS provides financial assistance.**
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- The reason is that NRCS has control over how those funds will be used.
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- **NEPA compliance is NOT mandated when NRCS provides only technical assistance.**
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- This is because NRCS is only making recommendations and it is up to some other individual or organization to decide whether or not to implement those recommendations. NRCS has no control over the decisionmaker's activities.
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# APPLICABILITY OF NEPA TO NRCS ACTIVITIES

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- **BUT! It makes sense to use the NEPA process in every case.**
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- NEPA is a process which has been successfully used to assist Federal decisionmakers to make more environmentally sensitive decisions. The goal of NRCS assistance is to assist private decisionmakers to make more environmentally sensitive decisions, as well, so why not use a proven process and at the same time promote consistency in decisionmaking processes.
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- NRCS financial assistance is increasing. Since NRCS may not know at the time it provides technical assistance whether it will ultimately also provide financial assistance. In such cases, fully integrating NEPA with the planning process will save time in the long run because the documentation necessary to support the NRCS decision to provide financial assistance will already have been developed.

# APPLICABILITY OF NEPA TO NRCS ACTIVITIES

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- **NEPA contemplates integration into planning activities.**
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- “Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.” (40 CFR 1501.2)

# WHAT DOES “THE NEPA PROCESS” MEAN?

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- Tiering
- Interdisciplinary Approach
- Open Process
- Integration & Efficiency
- Cooperation

# WHAT DOES “THE NEPA PROCESS” MEAN?

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## **If the proposed action is...**

A major Federal action significantly affecting the quality of the human environment

## **Then...**

An environmental impact statement (EIS) is required to identify environmental, social, and economic impacts and provide the public an opportunity to weigh into the decisionmaking process. The result of the EIS is publication of a Record of Decision identifying which alternative was selected and why.

# WHAT DOES “THE NEPA PROCESS” MEAN?

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## If the proposed action is...

Not a major Federal action significantly affecting the quality of the human environment OR you don't know

## Then...

An environmental assessment (EA) is required to identify the environmental impacts and determine whether those impacts are significant. If development of the EA leads to the determination, or “finding”, that the impacts are significant, then the result must be publication of a Notice of Intent to develop an EIS and the subsequent development of the document. If development of the EA leads to the determination, or “finding”, that the impacts are NOT significant, then the result must be a “Finding of No Significant Impact”. A Record of Decision identifying which alternative was selected and why is optional, but recommended.

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# WHAT DOES “THE NEPA PROCESS” MEAN?

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- **What has to be included in an EIS?**
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- Cover sheet
- Summary
- Table of Contents
- Purpose of and need for action
- Alternatives including proposed action
- Affected environment
- Environmental consequences
- List of preparers
- List of Agencies, organizations, and persons to whom copies of the statement are sent
- Index
- Appendices (if any).
- (There are particular provisions relating to each of the above requirements, and there also has to be an interdisciplinary approach to the EIS, and public involvement. An EIS should normally be less than 150 pages and even if really complex, less than 300. Also, it's ok to set reasonable time limits. Exceptions can be made (or negotiated with CEQ) for emergency circumstances.)



# WHAT DOES “THE NEPA PROCESS” MEAN?

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- **What has to be in an EA?**
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- “Shall include brief discussions of the need for the proposal, of alternatives..., of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.” (40 CFR 1508.9)
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- There is no need for public involvement, and EA’s can be as short as 10-15 pages.

# NEPA AND NRCS PLANNING

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- **The NRCS Planning Process Already Uses A NEPA-Oriented Approach**
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- **The NRCS Planning process already meets the minimum NEPA EIS requirements because the foundation for the:**
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- statement of purpose and need is addressed in planning steps 1 through 4: Identify Problems, Determine Objectives, Inventory Resources, Analyze Resource Data.
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- definition of reasonable alternatives, including mitigation measures, is addressed in planning step 5, Formulate Alternatives.
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- description of the affected environment is accomplished in planning step 3, Inventory Resources.
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- identification of environmental consequences of alternatives are described in planning step 6, Evaluate Alternatives.

# NEPA AND NRCS PLANNING

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- **The NRCS Planning Process Already Uses A NEPA-Oriented Approach**
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- The NRCS planning process relies on:
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- an interdisciplinary approach
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- cooperative relationships
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- “tiering” from an areawide (or watershed) plan, to individual farm plans.
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- stakeholder participation to determine the purpose and need for a proposed action, formulate the proposed action, identify relevant issues, formulate alternatives, describe effects, and either select or comment on the recommended or “preferred” alternative.

# WHAT'S NEXT?

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- A more detailed look at the requirements for an EA/EIS